

MOTION

I move to accept the specific recommendations of the Governor as to House Bill 3412 in manner and form as follows:

AMENDMENT TO HOUSE BILL 3412

IN ACCEPTANCE OF GOVERNOR'S RECOMMENDATIONS

Amend House Bill 3412 as follows:

on page 2, after line 2, by inserting the following:

"Commission" means an ethics commission created by this Act."; and

on page 2, after line 22, by inserting the following:

"Gift" means any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value including, but not limited to, cash, food, and drink, and honoraria for speaking engagements related to or attributable to government employment or the official position of an employee, member, or officer."; and

on page 5, after line 6, by inserting the following:

"Prohibited Source" means any person or entity who:

(1) is seeking official action (i) by the member or officer or (ii) in the case of an employee, by the employee or by the member, officer, State agency, or other employee directing the employee;

(2) does business or seeks to do business (i) with the member or officer or (ii) in the case of an employee, with the employee or with the member, officer, State agency, or other employee directing the employee;

(3) conducts activities regulated (i) by the member or officer or (ii) in the case of an employee, by the employee or by the member, officer, State agency, or

other employee directing the employee;

(4) has interests that may be substantially affected by the performance or non-performance of the official duties of the member, officer, or employee; or

(5) is registered or required to be registered with the Secretary of State under the Lobbyist Registration Act, except that an entity not otherwise a prohibited source does not become a prohibited source merely because a lobbyist is one of its members or serves on its board of directors."; and

on page 7, by replacing line 21 with the following:

"(b) The policies required under subsection (a), (i) for each executive branch constitutional office shall be filed with the Executive Ethics Commission and (ii) for the legislative branch shall be filed with the ultimate jurisdictional authority.

(c) The policies required under subsection (a) shall"; and

on page 8, by replacing lines 8 through 11 with the following:

"program conducted by the appropriate State agency. Each ultimate jurisdictional authority must implement an ethics-training program for its officers and employees. These training programs shall be overseen (i) in the executive branch, by the Executive Inspector General and (ii) in the legislative branch, by the ultimate jurisdictional authority. Standards and the hours and frequency of training necessary for each position or category of positions shall be determined (i) in the executive branch, by the Executive Inspector General and (ii) in the legislative branch, by the ultimate jurisdictional authority. A person who fills a vacancy in an"; and

by replacing line 28 on page 9 through line 4 on page 10 with the following:

"(a) No public service announcement or advertisement that is on behalf of any State administered program, is paid for by public dollars, and contains the proper name, image, or voice of any executive branch constitutional officer or member of the General Assembly shall be broadcast or aired on radio or television or printed in a commercial newspaper or a commercial magazine at any time."; and

on page 11, by replacing line 30 with the following:

"(a) No former official, appointee, member, or State employee, or spouse or immediate family member living with the employee, shall, within a period of one"; and

on page 12, line 1, after "if the", by inserting "official, appointee, member, or State"; and

on page 12, by replacing lines 3 through 6 with the following:

"participated personally and substantially in the subject matter of a transaction between the employer, or its parent or subsidiary, and the State during his or her term of office or employment.

(b) The requirements of this Section may be waived (i) for the executive branch, by the Executive Ethics Commission and (ii) for the legislative branch, by"; and

on page 12, line 9, after "authority", by inserting "or the Executive Ethics Commission"; and

on page 12, after line 15, by inserting the following:

"ARTICLE 10

GIFT BAN

Section 10-10. Gift ban. Except as otherwise provided in this Article, no member, officer, or employee shall intentionally solicit or accept any gift from any prohibited source or in violation of any federal or State statute, rule, or regulation. This ban applies to and includes the spouse of and immediate family living with the member, officer, or employee. No prohibited source shall intentionally offer or make a gift that violates this Section.

Section 10-15. Gift ban; exceptions. The restriction in Section 10-10 does not apply to the following:

(1) Opportunities, benefits, and services that are available on the same conditions as for the general public.

(2) A contribution that is lawfully made under the Election Code or under this Act or attendance at a fundraising event sponsored by a political organization.

(3) A contribution or other payments to a legal defense fund established for the benefit of a member, officer, or employee that is otherwise lawfully made.

(4) Educational materials and missions, subject to (i) for the executive branch, the rules adopted by the Executive Ethics Commission; (ii) for the legislative branch, the rules adopted by the ultimate jurisdictional authorities; (iii) for the Office of the Auditor General, the rules adopted by the Auditor General.

(5) Travel expenses for a meeting to discuss State business, subject to (i) for the executive branch, the rules adopted by the Executive Ethics Commission; (ii) for the legislative branch, the rules adopted by the ultimate jurisdictional authorities; (iii) for the Office of the Auditor General, the rules adopted by the Auditor General.

(6) A gift from a relative, meaning those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin,

nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, and including the father, mother, grandfather, or grandmother of the individual's spouse and the individual's fiance or fiancée.

(7) Anything provided by an individual on the basis of a personal friendship unless the member, officer, or employee has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the member, officer, or employee and not because of the personal friendship.

In determining whether a gift is provided on the basis of personal friendship, the member, officer, or employee shall consider the circumstances under which the gift was offered, such as:

(i) the history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals;

(ii) whether to the actual knowledge of the member, officer, or employee the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and

(iii) whether to the actual knowledge of the member, officer, or employee the individual who gave the gift also at the same time gave the same or similar gifts to other members, officers, or employees.

(8) Food or refreshments not exceeding \$75 per person in value on a single calendar day; provided that the food or refreshments are (i) consumed on the premises from which they were purchased or prepared or (ii) catered. For the purposes of this Section, "catered means food or refreshments that are

purchased ready to eat and delivered by any means.

(9) Intra-governmental or inter-governmental gifts. For the purpose of this Act, "intra-governmental gift" means any gift given to a member, officer, or employee of a State agency from another member, officer, or employee of the same State agency; and "inter-governmental gift" means any gift given to a member, officer, or employee of a State agency, by a member, officer, or employee of another State agency, of a federal agency, or of any governmental agency.

(10) Pension and other benefits resulting from continued participation in an employee welfare and benefits plan maintained by a former employer.

(11) Bequests, inheritances, and other transfers at death.

(12) Unsolicited offer of free attendance at a charity event. To be considered a charity event, the primary purpose of the event must be to raise funds for a non-profit organization exempt from federal income taxation under 501(c)(3) of the Internal Revenue Code.

(13) Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than \$100.

Each of the exceptions listed in this Section is mutually exclusive and independent of one another.

Section 10-30. Gift ban; disposition of gifts. A member, officer, or employee does not violate this Act if the member, officer, or employee promptly takes reasonable action to return the prohibited gift to its source or gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as now or hereafter amended, renumbered, or succeeded.

Section 10-40. Gift ban; further restrictions. A State agency may adopt or maintain policies that are more restrictive than those set forth in this Article and may continue to follow any existing policies, statutes, or regulations that are more restrictive or are in addition to those set forth in this Article."; and

on page 13, line 5, after "member,", by inserting "other State employee,"; and

on page 13, line 25, after "demonstrated", by inserting "by clear and convincing evidence"; and

on page 14, by replacing lines 7 through 9 with the following:

(3) interest on the back pay;

(4) the reinstatement of full fringe benefits and seniority rights; and

(5) the payment of reasonable costs and attorneys' fees."; and

on page 14, after line 14, by inserting the following:

"Section 15-40. Posting. All officers, members, and State agencies shall conspicuously display notices of State employee protections under this Act.

ARTICLE 20

EXECUTIVE ETHICS COMMISSION AND

EXECUTIVE INSPECTOR GENERAL

Section 20-5. Executive Ethics Commission.

(a) The Executive Ethics Commission is created.

(b) The Executive Ethics Commission shall consist of 7 commissioners. The executive branch constitutional officers shall appoint the Executive Ethics Commission through a

nomination process. The initial Executive Ethics Commission shall be appointed from a pool of nominees created in the following manner: the Governor, the Attorney General, the Secretary of State, the Comptroller, and the Treasurer shall each nominate 2 candidates from their own political party and 2 from a different political party, for a total of 20 candidates. The initial nominations shall be made within 60 days after the effective date of this Act. From this pool, the Governor shall appoint 4 commissioners within 30 days after receiving nominations from the executive branch constitutional officer. From the same pool, the highest ranking executive branch constitutional officer of a differing political party than the Governor shall appoint 3 commissioners within 30 days after receiving nominations from the executive branch constitutional officers. If there is not an executive branch constitutional officer of a differing party than the Governor at the time of appointment, the highest ranking Senate member of a differing party than the Governor shall appoint the 3 commissioners. These 7 commissioners shall be confirmed by the advice and consent of the Senate. No more than 4 commissioners shall be from the same political party.

The terms of the initial commissioners shall commence on July 1, 2003. The following initial appointees, as designated by the Governor, shall serve for 2-year terms running through June 30, 2005: one appointment by the Governor and one appointment by the highest ranking executive branch constitutional officer of a differing political party than the Governor. The following initial appointees, as designated by the Governor, shall serve for 3-year terms running through June 30, 2006: one appointment by the Governor and one appointment by the highest ranking executive branch constitutional officer of a differing political party than the Governor. The following initial appointees, as

designated by the Governor, shall serve for 4-year terms running through June 30, 2007: one appointment by the Governor, and one appointment by the highest ranking executive branch constitutional officer of a differing political party than the Governor. The following initial appointee, as designated by the Governor, shall serve for a 5-year term through June 30, 2008: one appointment by the Governor.

After the initial terms, commissioners shall serve for 5-year terms commencing on July 1 of the year of appointment and running through June 30 of the fifth following year. For the appointment of commissioners after the initial terms, the commissioners shall be appointed from a pool of nominees created in the following manner: for the years where 2 commissioner positions are to be appointed, the Governor, the Attorney General, the Secretary of State, the Comptroller, and the Treasurer shall each nominate 2 candidates from their own political party and 2 from a differing political party, for a total pool of 20 candidates. The nominees shall be submitted by May 30 of the fifth year of the term that is ending. From this pool, the Governor shall appoint one commissioner and the highest ranking executive branch constitutional officer of a differing party shall appoint one commissioner each for a 5-year term. If there is not an executive branch constitutional officer of a differing party than the Governor at the time of appointment, the highest-ranking Senate member of a differing party than the Governor shall make the appointment. The appointments shall be made within 30 days after receiving the nominations from the executive branch constitutional officers.

For the years where one commissioner position is to be appointed, the Governor, the Attorney General, the Secretary of State, the Comptroller, and the Treasurer shall each nominate one candidate from their own political party and one

from a differing political party, for a total pool of 8 candidates. The nominees shall be submitted by May 30 of the fifth year of the term that is ending. From this pool, the Governor shall select one commissioner for a 5-year term. The Governor shall make the appointment within 30 days after receiving the nominations from the executive branch constitutional officers.

A vacancy occurring other than at the end of a term shall be filled by the Governor only for the balance of the term of the commissioner whose office is vacant. The Governor shall select the commissioner from the original pool of nominees for that commissioner office. The Governor shall select a new commissioner within 30 days after the occurrence of the vacancy.

All appointments to the Executive Ethics Commission shall be confirmed by the advice and consent of the Senate. If the Senate is not in session at the time an appointment of a commissioner is made, the appointment shall be temporary until the Senate can act upon the appointment. If the Senate does not act upon the appointment within 60 session days after the receipt thereof, then the appointment shall be deemed to have received the advice and consent of the Senate.

Terms shall run regardless of whether the position is filled.

(c) Only commissioners who have experience holding governmental office or employment and who are from the general public shall be appointed. A person is not eligible to serve as a commissioner if that person (i) has been convicted of a felony or a crime of dishonesty or moral turpitude, (ii) is, or was within the preceding 12 months, engaged in activities that require registration under the Lobbyist Registration Act, or (iii) is a State officer or employee.

(d) The Executive Ethics Commission shall have

jurisdiction over all officers and employees of State agencies, other than the General Assembly, the Senate, the House of Representatives, the President and Minority Leader of the Senate, the Speaker and Minority Leader of the House of Representatives, the Senate Operations Commission, the legislative support services agencies, and the Office of the Auditor General. The jurisdiction of the Commission is limited to matters arising under this Act.

(e) The Executive Ethics Commission must meet, either in person or by other technological means, at least monthly and as often as necessary. At the first meeting of the Executive Ethics Commission, the commissioners shall choose from their number a chairperson and other officer that they deem appropriate. The terms of officers shall be for 2 years commencing July 1 and running through June 30 of the second following year. Meetings shall be held at the call of the chairperson or any 3 commissioners. Official action by the Commission shall require the affirmative vote of 5 commissioners, and a quorum shall consist of 5 commissioners. Commissioners shall receive no compensation, but may be reimbursed for their reasonable expenses actually incurred in the performance of their duties.

(f) No commissioner or employee of the Executive Ethics Commission may during his or her term of appointment or employment:

- (1) become a candidate for any elective office;
- (2) hold any other elected or appointed public office except for appointments on governmental advisory boards or study commissions or as otherwise expressly authorized by law;
- (3) be actively involved in the affairs of any political party or political organization; or
- (4) actively participate in any campaign for any elective office.

(g) An appointing authority may remove a commissioner only for cause.

(h) The Executive Ethics Commission shall appoint an Executive Director. The compensation of the Executive Director shall be as determined by the Commission or by the Compensation Review Board, whichever amount is higher. The Executive Director of the Executive Ethics Commission may employ and determine the compensation of staff, as appropriations permit.

Section 20-10. Office of Executive Inspector General.

(a) The Office of the Executive Inspector General is created. The Office shall be under the direction and supervision of the Executive Inspector General.

(b) The Executive Ethics Commission shall appoint the Executive Inspector General through a nomination process. The Executive Ethics Commission shall nominate 5 candidates for the Executive Inspector General. From this pool of 5 candidates, the Governor shall appoint the Executive Inspector General, without regard to political affiliation and solely on the basis of integrity and demonstrated ability.

The Executive Inspector General shall have the following qualifications:

(1) has not been convicted of any felony under the laws of this State, another State, or the United States;

(2) has earned a baccalaureate degree from an institution of higher education; and

(3) has either (A) 5 or more years of service with a federal, State, or local law enforcement agency, at least 2 years of which have been in a progressive investigatory capacity; (B) 5 or more years of service as a federal, State, or local prosecutor; or (C) 5 or more years of service as a senior manager or executive of a

federal, State, or local agency.

The term of the initial Executive Inspector General shall commence on July 1, 2003 and shall run through June 30, 2008. The Executive Ethics Commission shall submit the initial 5 candidates for the Executive Inspector General to the Governor within 30 days after the appointment of the initial Executive Ethics Commission. The Governor shall appoint the Executive Inspector General within 30 days after receiving the 5 candidates from the Executive Ethics Commission. The appointment of the Executive Inspector General shall be confirmed by the advice and consent of the Senate.

After the initial term, the Executive Inspector General shall serve for 5-year terms commencing on July 1 of the year of appointment and running through June 30 of the fifth following year. The Executive Ethics Commission shall submit 5 candidates for the Executive Inspector General to the Governor by May 30 of the fifth following year of the term. The Governor shall appoint the Executive Inspector General within 30 days after receiving the 5 candidates from the Executive Ethics Commission. The appointment of the Executive Inspector General shall be confirmed by the advice and consent of the Senate. The Executive Inspector General may be reappointed to one or more subsequent terms.

A vacancy occurring other than at the end of a term shall be filled by the Governor only for the balance of the term of the Executive Inspector General whose office is vacant. The Executive Ethics Commission shall submit 5 candidates for the vacancy of the Executive Inspector General to the Governor within 30 days of the vacancy. The Governor shall fill the vacancy within 30 days after receiving the 5 candidates from the Executive Ethics Commission. The appointment of the Executive Inspector General shall be confirmed by the advice and consent of the Senate.

If the Senate is not in session at the time an Executive

Inspector General is appointed by the Governor, the appointment shall be temporary until the Senate can act upon the appointment. If the Senate does not act upon the appointment within 60 session days after the receipt thereof, then the appointment shall be deemed to have received the advice and consent of the Senate.

Terms shall run regardless of whether the position is filled.

(c) The Executive Inspector General shall have jurisdiction over all officers and employees of State agencies, other than the General Assembly, the Senate, the House of Representatives, the President and Minority Leader of the Senate, the Speaker and Minority Leader of the House of Representatives, the Senate Operations Commission, the legislative support services agencies, and the Office of the Auditor General. The jurisdiction of the Executive Inspector General is to investigate possible fraud, abuse, misconduct, mismanagement of functions, misfeasance, malfeasance or violations of this Act or other related law, rules and regulations.

(d) The Executive Ethics Commission shall determine the compensation of the Executive Inspector General. The Executive Inspector General has full authority to organize the Office of the Executive Inspector General, including the employment and determination of the compensation of staff, such as deputies, assistants, and other employees, as appropriations permit.

(e) Neither the Executive Inspector General nor an employee of the Office of the Executive Inspector General may, during his or her term of appointment or employment:

- (1) become a candidate for any elective office;
- (2) hold any other elected or appointed public office except for appointments on governmental advisory boards or study commissions or as otherwise expressly

authorized by law;

(3) be actively involved in the affairs of any political party or political organization; or

(4) actively participate in any campaign for an elective office.

(f) The Executive Ethics Commission may remove the Executive Inspector General only for cause.

Section 20-15. Duties of the Executive Ethics Commission. In addition to duties otherwise assigned by law, the Executive Ethics Commission shall have the following duties:

(1) To promulgate rules governing the performance of its duties and the exercise of its powers.

(2) To conduct administrative hearings and rule on matters brought before the Commission only upon the receipt of pleadings filed by the Executive Inspector General and not upon its own prerogative. Any other allegations of misconduct received by the Commission from a person other than an Executive Inspector General shall be referred to the Office of the Executive Inspector General.

(3) To prepare and publish manuals and guides.

(4) To prepare public information materials to facilitate compliance, implementation, and enforcement of this Act.

(5) To submit reports as required by this Act.

(6) To make rulings, issue recommendations, and impose administrative fines, if appropriate, in connection with the implementation and interpretation of this Act. The powers and duties of the Commission are limited to matters clearly within the purview of this Act.

(7) To issue subpoenas with respect to matters pending before the Commission, subject to the provisions of this Article and in the discretion of the Commission, to compel

the attendance of witnesses for purposes of testimony and the production of documents and other items for inspection and copying.

Section 20-20. Duties of the Executive Inspector General. In addition to the duties otherwise assigned by law, the Executive Inspector General shall have the following duties:

(1) To promulgate rules governing the performance of its duties and the exercise of its power.

(2) To receive and investigate allegations of violations of this Act. The Executive Inspector General may receive information through the Office of the Executive Inspector General, through the Executive Ethics Commission, or through the Ethics Hotline. An investigation may be conducted only in response to information reported to the Executive Inspector General as provided in this Section and not upon his or her own prerogative. The Executive Inspector General shall have the discretion to determine the appropriate means of investigation as permitted by law.

(3) To request information relating to an investigation from any person when the Executive Inspector General deems that information necessary in conducting an investigation.

(4) To appoint investigators to conduct investigations and other duties imposed under the provisions of this Article. Such investigators shall have and may exercise all the powers of peace officers.

(5) To issue subpoenas to compel the appearance of witnesses and the production of books, papers, records and documents including electronic data, administer oaths or affirmations and take testimony.

(6) To submit reports as required by this Act.

(7) After finding probable cause, to file pleadings in the name of the Executive Inspector General, represented by

the Attorney General, with the Executive Ethics Commission, as provided in this Article.

(8) To assist and coordinate the ethics officers for State agencies under the jurisdiction of the Executive Inspector General and to work with those ethics officers.

(9) To oversee and set standards, in consultation with the Attorney General, for the ethics training programs within the State agencies of the Executive Branch.

(10) To participate in or conduct, when appropriate, multi-jurisdictional investigations.

(11) To request, as the Executive Inspector General deems appropriate, from ethics officers of State agencies under his or her jurisdiction, reports or information on (i) the content of a State agency's ethics training programs and (ii) the percentage of new officers and employees who have completed ethics training.

Section 20-23. Ethics Officers. Each officer and the head of each State agency under the jurisdiction of the Executive Ethics Commission shall designate an Ethics Officer for the office or State agency. Ethics Officers shall:

(1) act as liaisons between the State agency and the Executive Inspector General and between the State agency and the Executive Ethics Commission;

(2) review statements of economic interest and disclosure forms of officers, senior employees, and contract monitors before they are filed with the Secretary of State; and

(3) provide guidance to officers and employees in the interpretation and implementation of this Act. Such guidance shall be based, wherever possible, upon the findings and opinions of the Executive Ethics Commission.

Section 20-25. Executive Ethics Hotline. The Executive

Inspector General shall create and maintain a toll-free Ethics Hotline for the purpose of receiving reports of allegations relating to conduct subject to the jurisdiction of the Executive Inspector General and the Executive Ethics Commission.

Section 20-35. Administrative subpoena; compliance. A person duly subpoenaed for testimony, documents, or other items who neglects or refuses to testify or produce documents or other items under the requirements of the subpoena shall be subject to punishment as may be determined by a court of competent jurisdiction, unless (i) the testimony, documents, or other items are covered by the attorney-client privilege or any other privilege or right recognized by law or (ii) the testimony, documents, or other items concern the representation of employees and the negotiation of collective bargaining agreements by a labor organization authorized and recognized under the Illinois Public Labor Relations Act to be the exclusive bargaining representative of employees of the State agency. Nothing in this Section limits a person's right to protection against self-incrimination under the Fifth Amendment of the United States Constitution or Article I, Section 10 of the Constitution of the State of Illinois.

Section 20-40. Collective bargaining agreements. Any investigation or inquiry by the Executive Inspector General or any agent or representative of the Executive Inspector General must be conducted in compliance with the provisions of a collective bargaining agreement that applies to the employees of the relevant State agency and with an awareness of the rights of the employees as set forth by State and federal law and applicable judicial decisions. Any recommendation for discipline or any action taken against any State employee pursuant to this Act must comply with the

provision of the collective bargaining agreement that applies to the State employee.

Section 20-45. Standing; representation.

(a) Only the Executive Inspector General may bring actions before the Executive Ethics Commission.

(b) The Attorney General shall represent the Executive Inspector General in all proceedings before the Commission, except that the Attorney General shall appoint special counsel to represent the Executive Inspector General before the Commission if the Attorney General deems it necessary to avoid any actual, potential, or perceived conflict of interest.

(c) Any State employee or officer named as a respondent in a complaint is entitled to reimbursement of his or her reasonable attorney's fees and expenses in defending against the complaint if that respondent is not found by the Commission to have violated this Act.

Section 20-50. Investigation reports; complaint procedure.

(a) If the Executive Inspector General, upon the conclusion of an investigation, determines that probable cause exists to file pleadings with the Executive Ethics Commission, then the Executive Inspector General shall issue a summary report of the investigation. The report shall be delivered to the appropriate ultimate jurisdictional authority and to the head of each State agency affected by or involved in the investigation, if appropriate.

(b) The summary report of the investigation shall include the following:

(1) A description of any allegations or other information received by the Executive Inspector General pertinent to the investigation.

(2) A description of any alleged misconduct discovered in the course of the investigation.

(3) Recommendations for any corrective or disciplinary action to be taken in response to any alleged misconduct described in the report, including but not limited to discharge.

(4) Other information the Executive Inspector General deems relevant to the investigation or resulting recommendations.

(c) Not less than 30 days after delivery of the summary report of an investigation under subsection (a), the Executive Inspector General, represented by the Attorney General, may file with the Executive Ethics Commission a petition for leave to file a complaint. The petition shall set forth the alleged violation and the grounds that exist to support probable cause. The petition of leave to file a complaint must be filed with the Commission within 18 months after an alleged violation of this Act.

(d) A copy of the petition must be served on all respondents named in the complaint and on each respondent's ultimate jurisdictional authority in the same manner as process is served under the Code of Civil Procedure.

(e) A respondent may file objections to the petition for leave to file a complaint within 30 days after notice of the petition has been served on the respondent.

(f) The Commission shall meet, either in person or by telephone, in a closed session to review the sufficiency of the complaint. If the commission finds that complaint is sufficient, the Commission shall grant the petition for leave to file the complaint. The Commission shall issue notice to the Executive Inspector General and all respondents of the Commission's ruling on the sufficiency of the complaint. If the complaint is deemed to sufficiently allege a violation of this Act, then the Commission shall notify the parties and

shall include a hearing date scheduled within 4 weeks after the date of the notice, unless all of the parties consent to a later date. If the complaint is deemed not to sufficiently allege a violation, then the Commission shall send by certified mail, return receipt requested, a notice to the parties of the decision to dismiss the complaint.

(g) On the scheduled date the Commission shall conduct a hearing either in person or, if the parties consent, by other technological means, on the complaint and allow all parties the opportunity to present testimony and evidence. All such proceedings shall be transcribed.

(h) Within an appropriate time limit set by rules of the Executive Ethics Commission, the Commission shall (i) dismiss the complaint or (ii) issue a recommendation of discipline to the respondent and the respondent's ultimate jurisdictional authority or impose an administrative fine upon the respondent, or both.

(i) The proceedings on any complaint filed with the Commission shall be conducted pursuant to rules promulgated by the Commission.

(j) The Commission may designate hearing officers to conduct proceedings as determined by rule of the Commission.

(k) In all proceedings before the Commission, the standard of proof is by a preponderance of the evidence.

Section 20-55. Decisions; recommendations.

(a) All decisions of the Executive Ethics Commission must include a description of the alleged misconduct, the decision of the Commission, including any fines levied and any recommendation of discipline, and the reasoning for that decision. All decisions of the Commission shall be delivered to the head of the appropriate State agency, the appropriate ultimate jurisdictional authority, and the Executive Inspector General. The Executive Ethics Commission shall

promulgate rules of the decision and recommendation process.

(b) If the Executive Ethics Commission issues a recommendation of discipline to an agency head or ultimate jurisdictional authority, that agency head or ultimate jurisdictional authority must respond to that recommendation in 30 days with a written response to the Executive Ethics Commission. This response must include any disciplinary action the agency head or ultimate jurisdictional authority has taken with respect to the officer or employee in question. If the agency head or ultimate jurisdictional authority did not take any disciplinary action, or took a different disciplinary action than that recommended by the Executive Ethics Commission, the agency head or ultimate jurisdictional authority must describe the different action and explain the reasons for the different action in the written response. This response must be served upon the Executive Ethics Commission and the Executive Inspector General within the 30-day period and is not exempt from the provisions of the Freedom of Information Act.

Section 20-60. Appeals. A decision of the Executive Ethics Commission to impose a fine is subject to judicial review under the Administrative Review Law. All other decisions by the Executive Ethics Commission are final and are not subject to review either administratively or judicially.

Section 20-65. Investigations not concluded within 6 months. If any investigation is not concluded within 6 months after its initiation, the Executive Inspector General shall notify the Executive Ethics Commission of the general nature of the allegation or information giving rise to the investigation and the reasons for failure to complete the investigation within 6 months.

Section 20-70. Cooperation in investigations. It is the duty of every officer and employee under the jurisdiction of the Executive Inspector General, including any inspector general serving in any State agency under the jurisdiction of the Executive Inspector General, to cooperate with the Executive Inspector General in any investigation undertaken pursuant to this Act. Failure to cooperate with an investigation of the Executive Inspector General is grounds for disciplinary action, including dismissal, unless the failure is based on (i) the attorney-client privilege or any other privilege or right recognized by law or (ii) a collective bargaining agreement with a labor organization authorized and recognized under the Illinois Public Labor Relations Act to be the exclusive bargaining representative of affected employees.

Nothing in this Section limits a person's right to protection against self-incrimination under the Fifth Amendment of the United State Constitution or Article I, Section 10 of the Constitution of Illinois.

Section 20-80. Referrals of investigations. If the Executive Inspector General determines that any alleged misconduct involves any person not subject to the jurisdiction of the Executive Ethics Commission, the Executive Inspector General shall refer the reported allegations to the appropriate Inspector General, appropriate ethics commission, or other appropriate body. If the Executive Inspector General determined that any alleged misconduct may give rise to criminal penalties, the Executive Inspector General shall refer the allegations regarding that misconduct to the appropriate law enforcement authority.

Section 20-85. Annual reports. The Executive Inspector General shall submit an annual report to the executive branch

constitutional officers and the Executive Ethics Commission, on a date determined by the Executive Ethics Commission, indicating:

- (1) the number of allegations received since the date of the last report;
- (2) the number of investigations initiated since the date of the last report;
- (3) the number of investigations concluded since the date of the last report;
- (4) the number of investigations pending as of the reporting date; and
- (5) the number of actions filed since the last report and the number of actions pending before the Commission as of the reporting date.

Section 20-90. Confidentiality.

(a) The identity of any individual providing information or reporting any possible or alleged misconduct to the Executive Inspector General, the Executive Ethics Commission, or the Executive Ethics Hotline shall be kept confidential, is exempt from the Illinois Freedom of Information Act, and may not be disclosed without the consent of that individual, unless the individual consents to disclosure of his or her name or disclosure of the individual's identity is otherwise required by law. The confidentiality granted by this subsection does not preclude the disclosure of the identity of a person in any capacity other than as the source of an allegation.

(b) Commissioners, employees, and agents of the Executive Ethics Commission, the Executive Inspector General, and employees and agents of the Office of the Executive Inspector General shall keep confidential and shall not disclose information exempted from disclosure under the Illinois Freedom of Information Act or by this Act.

(c) A violation of subsection (a) or (b) of this Section is grounds for discharge.

Section 20-95. Exemptions.

(a) Any allegations and related documents submitted to the Executive Inspector General and any pleadings and related documents brought before the Executive Ethics Commission are exempt from the provisions of the Illinois Freedom of Information Act so long as the Executive Ethics Commission does not make a finding of a violation of this Act. If the Executive Ethics Commission finds that a violation has occurred, the entire record of proceedings before the Commission, the decision and recommendation, and the mandatory report from the agency head or ultimate jurisdictional authority to the Executive Ethics Commission are not exempt from the provisions of the Illinois Freedom of Information Act but information contained therein that is otherwise exempt from the Illinois Freedom of Information Act must be redacted before disclosure as provided in Section 8 of the Illinois Freedom of Information Act.

(b) Meetings of the Executive Ethics Commission under Sections 20-5 and 20-15 of this Act are exempt from the provisions of the Open Meetings Act.

(c) Unless otherwise provided in this Act, all investigatory files and reports of the Office of the Executive Inspector General, other than annual reports, are confidential, are exempt from disclosure under the Illinois Freedom of Information Act, and shall not be divulged to any person or agency, except as necessary (i) to the appropriate law enforcement authority if the matter is referred pursuant to this Act, (ii) to the ultimate jurisdictional authority, or (iii) to the Executive Ethics Commission.

OTHER INSPECTORS GENERAL WITHIN THE EXECUTIVE BRANCH

Section 30-5. Appointment of Inspectors General. Nothing in this Act precludes the appointment by the Governor, the Lieutenant Governor, the Attorney General, the Secretary of State, the Comptroller, or the Treasurer of any inspector general required or permitted by law. Each inspector general appointed by an executive branch constitutional officer for that constitutional office shall report to that constitutional officer as well as the Executive Inspector General.

Section 30-10. Subpoena power. Each inspector general appointed by an executive branch constitutional officer for that constitutional office shall have the power to issue subpoenas to compel the appearance of witnesses and the production of books, papers, records, and documents including electronic data, administer oaths or affirmations and take testimony."; and

on page 14, by replacing line 24 with the following:

"(c) A person who intentionally violates any provision of Article 10 is guilty of a business offense and subject to a fine of at least \$1,001 and up to \$5,000.

(d) Any person who intentionally makes a false report alleging a violation of any provision of this Act to an ethics commission, the Executive Inspector General, an inspector general, the State Police, a State's Attorney, the Attorney General, or any other law enforcement official is guilty of a Class A misdemeanor.

(e) The Executive Ethics Commission may levy an administrative fine of up to \$5,000 against any person who violates this Act, who intentionally obstructs or interferes with an investigation conducted under this Act by the Executive Inspector General or an inspector general, or who

intentionally makes a false or frivolous allegation of a violation of this Act.

(f) In addition to any other penalty that may apply,"; and

on page 14 , line 27, after "5-40 or", by inserting "Article 10 or"; and

on page 15, by replacing lines 6 and 7 with the following:
"than Section 5-15 and Article 10 of this Act, (i) the political activities of officers and employees of the governmental entity and (ii) the soliciting and accepting of gifts by and the offering and making of gifts to officers and employees of the governmental entity."; and

on page 15, line 23, after "employees", by inserting "and the soliciting, offering, accepting, and making of gifts"; and

on page 15, after line 26, by inserting the following:

"Section 90-1. The Open Meetings Act is amended by changing Section 1.02 as follows:

(5 ILCS 120/1.02) (from Ch. 102, par. 41.02)

Sec. 1.02. For the purposes of this Act:

"Meeting" means any gathering of a majority of a quorum of the members of a public body held for the purpose of discussing public business.

"Public body" includes all legislative, executive, administrative or advisory bodies of the State, counties, townships, cities, villages, incorporated towns, school districts and all other municipal corporations, boards, bureaus, committees or commissions of this State, and any subsidiary bodies of any of the foregoing including but not limited to committees and subcommittees which are supported in whole or in part by tax revenue, or which expend tax

revenue, except the General Assembly and committees or commissions thereof. "Public body" includes tourism boards and convention or civic center boards located in counties that are contiguous to the Mississippi River with populations of more than 250,000 but less than 300,000. "Public body" includes the Health Facilities Planning Board. "Public body" does not include a child death review team or the Illinois Child Death Review Teams Executive Council established under the Child Death Review Team Act or an ethics commission, ~~ethics-officer, or ultimate jurisdictional authority~~ acting under the State Officials and Employees Ethics Act ~~State-Gift Ban-Act-as-provided-by-Section-80-of-that-Act.~~

(Source: P.A. 91-782, eff. 6-9-00; 92-468, eff. 8-22-01.);

and

on page 16, by replacing line 9 with the following:

"administrative law judge, other agency employee, or an employee of the Joint Committee during the"; and

on page 16, by replacing line 27 with the following:

"head, agency employee, administrative law judge, or an employee of the Joint Committee shall be"; and

on page 16, after line 34, by inserting the following:

"Section 90-5. The Illinois Public Labor Relations Act is amended by changing Section 3 as follows:

(5 ILCS 315/3) (from Ch. 48, par. 1603)

Sec. 3. Definitions. As used in this Act, unless the context otherwise requires:

(a) "Board" means the Illinois Labor Relations Board or, with respect to a matter over which the jurisdiction of the Board is assigned to the State Panel or the Local Panel under Section 5, the panel having jurisdiction over the matter.

(b) "Collective bargaining" means bargaining over terms and conditions of employment, including hours, wages, and other conditions of employment, as detailed in Section 7 and which are not excluded by Section 4.

(c) "Confidential employee" means an employee who, in the regular course of his or her duties, assists and acts in a confidential capacity to persons who formulate, determine, and effectuate management policies with regard to labor relations or who, in the regular course of his or her duties, has authorized access to information relating to the effectuation or review of the employer's collective bargaining policies.

(d) "Craft employees" means skilled journeymen, crafts persons, and their apprentices and helpers.

(e) "Essential services employees" means those public employees performing functions so essential that the interruption or termination of the function will constitute a clear and present danger to the health and safety of the persons in the affected community.

(f) "Exclusive representative", except with respect to non-State fire fighters and paramedics employed by fire departments and fire protection districts, non-State peace officers, and peace officers in the Department of State Police, means the labor organization that has been (i) designated by the Board as the representative of a majority of public employees in an appropriate bargaining unit in accordance with the procedures contained in this Act, (ii) historically recognized by the State of Illinois or any political subdivision of the State before July 1, 1984 (the effective date of this Act) as the exclusive representative of the employees in an appropriate bargaining unit, (iii) after July 1, 1984 (the effective date of this Act) recognized by an employer upon evidence, acceptable to the Board, that the labor organization has been designated as the

exclusive representative by a majority of the employees in an appropriate bargaining unit; or (iv) recognized as the exclusive representative of personal care attendants or personal assistants under Executive Order 2003-8 prior to the effective date of this amendatory Act of the 93rd General Assembly, and the organization shall be considered to be the exclusive representative of the personal care attendants or personal assistants as defined in this Section.

With respect to non-State fire fighters and paramedics employed by fire departments and fire protection districts, non-State peace officers, and peace officers in the Department of State Police, "exclusive representative" means the labor organization that has been (i) designated by the Board as the representative of a majority of peace officers or fire fighters in an appropriate bargaining unit in accordance with the procedures contained in this Act, (ii) historically recognized by the State of Illinois or any political subdivision of the State before January 1, 1986 (the effective date of this amendatory Act of 1985) as the exclusive representative by a majority of the peace officers or fire fighters in an appropriate bargaining unit, or (iii) after January 1, 1986 (the effective date of this amendatory Act of 1985) recognized by an employer upon evidence, acceptable to the Board, that the labor organization has been designated as the exclusive representative by a majority of the peace officers or fire fighters in an appropriate bargaining unit.

(g) "Fair share agreement" means an agreement between the employer and an employee organization under which all or any of the employees in a collective bargaining unit are required to pay their proportionate share of the costs of the collective bargaining process, contract administration, and pursuing matters affecting wages, hours, and other conditions of employment, but not to exceed the amount of dues uniformly

required of members. The amount certified by the exclusive representative shall not include any fees for contributions related to the election or support of any candidate for political office. Nothing in this subsection (g) shall preclude an employee from making voluntary political contributions in conjunction with his or her fair share payment.

(g-1) "Fire fighter" means, for the purposes of this Act only, any person who has been or is hereafter appointed to a fire department or fire protection district or employed by a state university and sworn or commissioned to perform fire fighter duties or paramedic duties, except that the following persons are not included: part-time fire fighters, auxiliary, reserve or voluntary fire fighters, including paid on-call fire fighters, clerks and dispatchers or other civilian employees of a fire department or fire protection district who are not routinely expected to perform fire fighter duties, or elected officials.

(g-2) "General Assembly of the State of Illinois" means the legislative branch of the government of the State of Illinois, as provided for under Article IV of the Constitution of the State of Illinois, and includes but is not limited to the House of Representatives, the Senate, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the President of the Senate, the Minority Leader of the Senate, the Joint Committee on Legislative Support Services and any legislative support services agency listed in the Legislative Commission Reorganization Act of 1984.

(h) "Governing body" means, in the case of the State, the State Panel of the Illinois Labor Relations Board, the Director of the Department of Central Management Services, and the Director of the Department of Labor; the county board in the case of a county; the corporate authorities in the

case of a municipality; and the appropriate body authorized to provide for expenditures of its funds in the case of any other unit of government.

(i) "Labor organization" means any organization in which public employees participate and that exists for the purpose, in whole or in part, of dealing with a public employer concerning wages, hours, and other terms and conditions of employment, including the settlement of grievances.

(j) "Managerial employee" means an individual who is engaged predominantly in executive and management functions and is charged with the responsibility of directing the effectuation of management policies and practices.

(k) "Peace officer" means, for the purposes of this Act only, any persons who have been or are hereafter appointed to a police force, department, or agency and sworn or commissioned to perform police duties, except that the following persons are not included: part-time police officers, special police officers, auxiliary police as defined by Section 3.1-30-20 of the Illinois Municipal Code, night watchmen, "merchant police", court security officers as defined by Section 3-6012.1 of the Counties Code, temporary employees, traffic guards or wardens, civilian parking meter and parking facilities personnel or other individuals specially appointed to aid or direct traffic at or near schools or public functions or to aid in civil defense or disaster, parking enforcement employees who are not commissioned as peace officers and who are not armed and who are not routinely expected to effect arrests, parking lot attendants, clerks and dispatchers or other civilian employees of a police department who are not routinely expected to effect arrests, or elected officials.

(l) "Person" includes one or more individuals, labor organizations, public employees, associations, corporations, legal representatives, trustees, trustees in bankruptcy,

receivers, or the State of Illinois or any political subdivision of the State or governing body, but does not include the General Assembly of the State of Illinois or any individual employed by the General Assembly of the State of Illinois.

(m) "Professional employee" means any employee engaged in work predominantly intellectual and varied in character rather than routine mental, manual, mechanical or physical work; involving the consistent exercise of discretion and adjustment in its performance; of such a character that the output produced or the result accomplished cannot be standardized in relation to a given period of time; and requiring advanced knowledge in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher learning or a hospital, as distinguished from a general academic education or from apprenticeship or from training in the performance of routine mental, manual, or physical processes; or any employee who has completed the courses of specialized intellectual instruction and study prescribed in this subsection (m) and is performing related work under the supervision of a professional person to qualify to become a professional employee as defined in this subsection (m).

(n) "Public employee" or "employee", for the purposes of this Act, means any individual employed by a public employer, including interns and residents at public hospitals and, as of the effective date of this amendatory Act of the 93rd General Assembly, but not before, personal care attendants and personal assistants working under the Home Services Program under Section 3 of the Disabled Persons Rehabilitation Act, subject to the limitations set forth in this Act and in the Disabled Persons Rehabilitation Act, but excluding all of the following: employees of the General

Assembly of the State of Illinois; elected officials; executive heads of a department; members of boards or commissions; the Executive Inspector General; employees of the Office of the Executive Inspector General; commissioners and employees of the Executive Ethics Commission; employees of any agency, board or commission created by this Act; employees appointed to State positions of a temporary or emergency nature; all employees of school districts and higher education institutions except firefighters and peace officers employed by a state university; managerial employees; short-term employees; confidential employees; independent contractors; and supervisors except as provided in this Act.

Personal care attendants and personal assistants shall not be considered public employees for any purposes not specifically provided for in this amendatory Act of the 93rd General Assembly, including but not limited to, purposes of vicarious liability in tort and purposes of statutory retirement or health insurance benefits. Personal care attendants and personal assistants shall not be covered by the State Employees Group Insurance Act of 1971 (5 ILCS 375/).

Notwithstanding Section 9, subsection (c), or any other provisions of this Act, all peace officers above the rank of captain in municipalities with more than 1,000,000 inhabitants shall be excluded from this Act.

(o) "Public employer" or "employer" means the State of Illinois; any political subdivision of the State, unit of local government or school district; authorities including departments, divisions, bureaus, boards, commissions, or other agencies of the foregoing entities; and any person acting within the scope of his or her authority, express or implied, on behalf of those entities in dealing with its employees. As of the effective date of this amendatory Act of

the 93rd General Assembly, but not before, the State of Illinois shall be considered the employer of the personal care attendants and personal assistants working under the Home Services Program under Section 3 of the Disabled Persons Rehabilitation Act, subject to the limitations set forth in this Act and in the Disabled Persons Rehabilitation Act. The State shall not be considered to be the employer of personal care attendants and personal assistants for any purposes not specifically provided for in this amendatory Act of the 93rd General Assembly, including but not limited to, purposes of vicarious liability in tort and purposes of statutory retirement or health insurance benefits. Personal care attendants and personal assistants shall not be covered by the State Employees Group Insurance Act of 1971 (5 ILCS 375/). "Public employer" or "employer" as used in this Act, however, does not mean and shall not include the General Assembly of the State of Illinois, the Executive Ethics Commission, the Office of the Executive Inspector General, and educational employers or employers as defined in the Illinois Educational Labor Relations Act, except with respect to a state university in its employment of firefighters and peace officers. County boards and county sheriffs shall be designated as joint or co-employers of county peace officers appointed under the authority of a county sheriff. Nothing in this subsection (o) shall be construed to prevent the State Panel or the Local Panel from determining that employers are joint or co-employers.

(p) "Security employee" means an employee who is responsible for the supervision and control of inmates at correctional facilities. The term also includes other non-security employees in bargaining units having the majority of employees being responsible for the supervision and control of inmates at correctional facilities.

(q) "Short-term employee" means an employee who is

employed for less than 2 consecutive calendar quarters during a calendar year and who does not have a reasonable assurance that he or she will be rehired by the same employer for the same service in a subsequent calendar year.

(r) "Supervisor" is an employee whose principal work is substantially different from that of his or her subordinates and who has authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, direct, reward, or discipline employees, to adjust their grievances, or to effectively recommend any of those actions, if the exercise of that authority is not of a merely routine or clerical nature, but requires the consistent use of independent judgment. Except with respect to police employment, the term "supervisor" includes only those individuals who devote a preponderance of their employment time to exercising that authority, State supervisors notwithstanding. In addition, in determining supervisory status in police employment, rank shall not be determinative. The Board shall consider, as evidence of bargaining unit inclusion or exclusion, the common law enforcement policies and relationships between police officer ranks and certification under applicable civil service law, ordinances, personnel codes, or Division 2.1 of Article 10 of the Illinois Municipal Code, but these factors shall not be the sole or predominant factors considered by the Board in determining police supervisory status.

Notwithstanding the provisions of the preceding paragraph, in determining supervisory status in fire fighter employment, no fire fighter shall be excluded as a supervisor who has established representation rights under Section 9 of this Act. Further, in new fire fighter units, employees shall consist of fire fighters of the rank of company officer and below. If a company officer otherwise qualifies as a supervisor under the preceding paragraph, however, he or she

shall not be included in the fire fighter unit. If there is no rank between that of chief and the highest company officer, the employer may designate a position on each shift as a Shift Commander, and the persons occupying those positions shall be supervisors. All other ranks above that of company officer shall be supervisors.

(s) (1) "Unit" means a class of jobs or positions that are held by employees whose collective interests may suitably be represented by a labor organization for collective bargaining. Except with respect to non-State fire fighters and paramedics employed by fire departments and fire protection districts, non-State peace officers, and peace officers in the Department of State Police, a bargaining unit determined by the Board shall not include both employees and supervisors, or supervisors only, except as provided in paragraph (2) of this subsection (s) and except for bargaining units in existence on July 1, 1984 (the effective date of this Act). With respect to non-State fire fighters and paramedics employed by fire departments and fire protection districts, non-State peace officers, and peace officers in the Department of State Police, a bargaining unit determined by the Board shall not include both supervisors and nonsupervisors, or supervisors only, except as provided in paragraph (2) of this subsection (s) and except for bargaining units in existence on January 1, 1986 (the effective date of this amendatory Act of 1985). A bargaining unit determined by the Board to contain peace officers shall contain no employees other than peace officers unless otherwise agreed to by the employer and the labor organization or labor organizations involved. Notwithstanding any other provision of this Act, a bargaining unit, including a historical bargaining unit, containing sworn peace officers of the Department of Natural Resources (formerly

designated the Department of Conservation) shall contain no employees other than such sworn peace officers upon the effective date of this amendatory Act of 1990 or upon the expiration date of any collective bargaining agreement in effect upon the effective date of this amendatory Act of 1990 covering both such sworn peace officers and other employees.

(2) Notwithstanding the exclusion of supervisors from bargaining units as provided in paragraph (1) of this subsection (s), a public employer may agree to permit its supervisory employees to form bargaining units and may bargain with those units. This Act shall apply if the public employer chooses to bargain under this subsection.

(Source: P.A. 93-204, eff. 7-16-03.)"; and

on page 20, after line 1, by inserting the following:

"(5 ILCS 425/Act rep.)

Section 90-8. The State Gift Ban Act is repealed upon the effective date of the State Officials and Employees Ethics Act."; and

on page 36, by replacing line 4 with the following:

"Sections 4c and 8b.6 as follows:

(20 ILCS 415/4c) (from Ch. 127, par. 63b104c)

Sec. 4c. General exemptions. The following positions in State service shall be exempt from jurisdictions A, B, and C, unless the jurisdictions shall be extended as provided in this Act:

(1) All officers elected by the people.

(2) All positions under the Lieutenant Governor, Secretary of State, State Treasurer, State Comptroller,

State Board of Education, Clerk of the Supreme Court, and Attorney General.

(3) Judges, and officers and employees of the courts, and notaries public.

(4) All officers and employees of the Illinois General Assembly, all employees of legislative commissions, all officers and employees of the Illinois Legislative Reference Bureau, the Legislative Research Unit, and the Legislative Printing Unit.

(5) All positions in the Illinois National Guard and Illinois State Guard, paid from federal funds or positions in the State Military Service filled by enlistment and paid from State funds.

(6) All employees of the Governor at the executive mansion and on his immediate personal staff.

(7) Directors of Departments, the Adjutant General, the Assistant Adjutant General, the Director of the Illinois Emergency Management Agency, members of boards and commissions, and all other positions appointed by the Governor by and with the consent of the Senate.

(8) The presidents, other principal administrative officers, and teaching, research and extension faculties of Chicago State University, Eastern Illinois University, Governors State University, Illinois State University, Northeastern Illinois University, Northern Illinois University, Western Illinois University, the Illinois Community College Board, Southern Illinois University, Illinois Board of Higher Education, University of Illinois, State Universities Civil Service System, University Retirement System of Illinois, and the administrative officers and scientific and technical staff of the Illinois State Museum.

(9) All other employees except the presidents, other principal administrative officers, and teaching,

research and extension faculties of the universities under the jurisdiction of the Board of Regents and the colleges and universities under the jurisdiction of the Board of Governors of State Colleges and Universities, Illinois Community College Board, Southern Illinois University, Illinois Board of Higher Education, Board of Governors of State Colleges and Universities, the Board of Regents, University of Illinois, State Universities Civil Service System, University Retirement System of Illinois, so long as these are subject to the provisions of the State Universities Civil Service Act.

(10) The State Police so long as they are subject to the merit provisions of the State Police Act.

(11) The scientific staff of the State Scientific Surveys and the Waste Management and Research Center.

(12) The technical and engineering staffs of the Department of Transportation, the Department of Nuclear Safety, the Pollution Control Board, and the Illinois Commerce Commission, and the technical and engineering staff providing architectural and engineering services in the Department of Central Management Services.

(13) All employees of the Illinois State Toll Highway Authority.

(14) The Secretary of the Industrial Commission.

(15) All persons who are appointed or employed by the Director of Insurance under authority of Section 202 of the Illinois Insurance Code to assist the Director of Insurance in discharging his responsibilities relating to the rehabilitation, liquidation, conservation, and dissolution of companies that are subject to the jurisdiction of the Illinois Insurance Code.

(16) All employees of the St. Louis Metropolitan Area Airport Authority.

(17) All investment officers employed by the

Illinois State Board of Investment.

(18) Employees of the Illinois Young Adult Conservation Corps program, administered by the Illinois Department of Natural Resources, authorized grantee under Title VIII of the Comprehensive Employment and Training Act of 1973, 29 USC 993.

(19) Seasonal employees of the Department of Agriculture for the operation of the Illinois State Fair and the DuQuoin State Fair, no one person receiving more than 29 days of such employment in any calendar year.

(20) All "temporary" employees hired under the Department of Natural Resources' Illinois Conservation Service, a youth employment program that hires young people to work in State parks for a period of one year or less.

(21) All hearing officers of the Human Rights Commission.

(22) All employees of the Illinois Mathematics and Science Academy.

(23) All employees of the Kankakee River Valley Area Airport Authority.

(24) The commissioners and employees of the Executive Ethics Commission.

(25) The Executive Inspector General and employees of the Office of the Executive Inspector General.

(Source: P.A. 90-490, eff. 8-17-97; 91-214, eff. 1-1-00; 91-357, eff. 7-29-99.)"; and

on page 45, line 9, by deleting "and"; and

on page 45, line 14, by changing "action." to "action;"; and

on page 45, after line 14, by inserting the following:

"(3) a registered lobbyist serving on a board, commission, authority, or task force that covers a

different subject area than the subject area the registered lobbyist has disclosed in his or her registration as outlined under Section 5(c-6) of this Act; and

(4) a registered lobbyist who has received a waiver from the Executive Ethics Commission to serve on the board, commission, authority, or task force, based upon the Executive Ethics Commission determination that the State's need for the registered lobbyist's expertise outweighs the potential conflict of interest. Pending a decision by the Executive Ethics Commission on the waiver request, the registered lobbyist may serve as an acting member of the board, commission, authority, or task force.

Any registered lobbyist that serves on a board, commission, authority, or task force under one of these exemptions must recuse himself or herself from any board, commission, authority, or task force decision that may affect one of his or her clients."; and

on page 47, line 14, by replacing "\$100" with "\$500"; and

on page 47, line 19, after "purposes.", by inserting the following:

"The registration fee for a person required to register under this Act is \$150 if the person satisfies either of the following:

(1) The person is a non-profit organization exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code.

(2) The person (i) is an employee of a person described in subsection (1) and (ii) undertakes to influence executive, legislative, or administrative action on behalf of the person in subsection (1) as part of salaried responsibilities."; and

on page 47, line 22, by replacing "\$100" with "\$500".

Date: _____ , 2003 _____